

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

TIMOTHY D. GUMM,	:	
	:	
Petitioner,	:	
	:	
v.	:	7:07-CV-145 (WLS)
	:	
STATE OF GEORGIA.,	:	
	:	
Respondent..	:	
_____	:	

ORDER

Before the Court is a Recommendation from United States Magistrate Judge G. Mallon Faircloth (Doc. No. 7), filed June 7, 2007. It is recommended that Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be summarily dismissed as it is successive. Petitioner has filed a timely objection. (Doc. No. 8).

Petitioner argues that he is in fact attacking constitutional wrong doings that occurred after he was convicted and that, therefore, his petition is not successive. As the Magistrate Judge correctly points out, Petitioner may not properly file a second or successive petition without permission from the Court of Appeals. Whether Petitioner may validly raise said claims that he raises in his objection is not the question. The question is whether he may legally file the current petition without authorization from the Court of Appeals. Petitioner may not. 28 U.S.C. § 2244(b)(3)(A). Accordingly, Petitioner's objection (Doc. No. 8) is **OVERRULED.**

Upon full consideration of the record, the Court finds that said Recommendation (Doc. No. 7) should be, and hereby is, **ACCEPTED, ADOPTED** and made the order of this Court for reason of the findings and the reasons set out therein, and together with the reasons,

findings and conclusion reached and set out herein. Therefore, Petitioner's petition for relief is **DISMISSED** as a successive petition.

SO ORDERED, this 5th day of October, 2007.

/s/W. Louis Sands
W. Louis Sands, Judge
United States District Court